

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of D.J.B., Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

YOLANDA DENISE BROWN,

Respondent-Appellant,

and

DONALD EMIL WILSON,

Respondent.

UNPUBLISHED
February 11, 2003

No. 241276
Wayne Circuit Court
Family Division
LC No. 2000-389045

Before: Saad, P.J., and Zahra, and Schuette JJ.

PER CURIAM.

Respondent appeals as of right from the trial court order terminating her parental rights to the minor child under MCL 712A.19b(3)(a)(ii), (c)(i), (g), and (j).¹ We affirm.

I. Facts and Procedure

The minor child was born September 3, 1992, and lived with his paternal aunt, Carmen Wilson for the majority of his life. In 1999, protective services removed the child and his five cousins from Wilson's care because she was homeless and had substance abuse problems. Protective services assumed that Wilson was the child's mother, however, it was later discovered that respondent was the child's mother, and a petition was filed alleging that respondent abandoned the child. Respondent had not seen the child for three years.

¹ The court also terminated the parental rights of the child's father, Donald Emil Wilson, however he has not appealed that decision and is not a party to this appeal.

At an adjudication hearing on May 12, 2000, respondent testified that, in 1992, she reached a verbal agreement with Wilson that Wilson would care for the child until respondent was able to do so. Respondent explained that when the child was born respondent was overwhelmed with caring for another son who was “trainable mentally impaired,” epileptic, and had seizures. In 1995, respondent gave limited guardianship of the child to Wilson. In 1997, Wilson moved and apparently did not tell respondent, although respondent made no effort to find Wilson and the child. In May 2000, respondent learned that the child had been placed in foster care. At the adjudication hearing, respondent notified the court that she would be able to care for the child along with her other children. Respondent agreed to begin weekly individual counseling and joint counseling with the child, and the child was made a temporary court ward and continued in foster care pending disposition.

Respondent was required to participate in individual therapy based on the results of a psychological evaluation and ordered to participate in family therapy. Respondent was supposed to attend weekly family therapy sessions beginning in August 2001, however respondent only attended three sessions. Respondent was also inconsistent with her visitation with the child. In the years 2000 to 2002, respondent attended less than half of the visits offered, and was often late to the visits she did attend. Further, in August 2001, respondent was approved for unsupervised visits, however, respondent never called the agency to set up the visits. On September 3, 2001, the child had a birthday party, which respondent was invited to attend. Respondent told the child and the foster parents that she would come to the party and bring cake, however, respondent never came to the party and did not call to explain her absence. The child was very upset as a result of this incident.

The foster care supervisor determined that respondent did not have the ability to care for the child and also noted that respondent and the child had not formed a bond. The supervisor further explained that the child was suffering from abandonment issues. Therefore, the supervisor concluded that it would be in the child’s best interest to terminate respondent’s parental rights. Additionally, a clinical therapist testified that she never observed any physical affection between the child and respondent, and that the child notified her that he did not want to be returned home.

II. Analysis

Respondent contends that there was insufficient evidence to support the statutory grounds for parental termination. We disagree. We review parental terminations and the trial court’s decision regarding the child’s best interest for clear and convincing evidence that one or more grounds for termination have been established. *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

The trial court found that statutory grounds for termination existed based upon MCL 712A.19b(3)(c)(i). MCL 712A.19b(3)(c)(i) provides:

(c) The parent was a respondent in a proceeding brought under this chapter, 182 or more days have elapsed since the issuance of an initial dispositional order, and the court, by clear and convincing evidence, finds either of the following:

(i) The conditions that led to the adjudication continue to exist and there is no reasonable likelihood that the conditions will be rectified within a reasonable time considering the child's age.

At an adjudication hearing on May 12, 2000, evidence established that respondent had not cared for the child since he was an infant and had not established a bond with the child. Respondent was given a treatment plan, with which she failed to comply. During the two years the child was in foster care, respondent did not regularly visit the child, only attended a few family therapy sessions, and did not establish a bond, or any type of physical affection with the child. Therefore, the trial court did not err in finding that statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).²

Moreover, respondent has abandoned her argument that termination of her parental rights was not in the child's best interests by failing to brief the merits of her allegation of error. *In re JS and SM*, 231 Mich App 92, 98; 585 NW2d 326 (1998), rev'd on other grounds *Trejo, supra*, at 353 n 10; *People v Kent*, 194 Mich App 206, 210; 486 NW2d 110 (1992). In any event, the evidence presented did show that termination of respondent's parental rights was clearly in the child's best interests. MCL 712A.19b(5); *Trejo, supra* at 356-357. The evidence established that the child was suffering from abandonment issues, and was very upset with respondent's actions toward him. The child also stated that he did not want to be in respondent's care. Upon reviewing the evidence, it was in the child's best interest to terminate respondent's parental right. Thus, the trial court did not err in terminating respondent's parental rights to the child. Having found sufficient evidence for one statutory ground for parental termination, we decline to address the other grounds.

Affirmed.

/s/ Henry William Saad

/s/ Brian K Zahra

/s/ Bill Schuette

² Respondent also argues that her due process rights were violated when the trial court relied upon MCL 712A.19b(3)(a)(ii) because the petition only alleged this ground applied to the child's father, however respondent has waived this issue by not including it in her statement of questions presented. *In re BKD*, 246 Mich App 212, 218; 631 NW2d 353 (2001).